

## SCHERER ON BOARD FOR STATE PRISON

Claim Agent of C. & O. Takes Place of Harris, of Blackstone.

### IS EQUIPPED FOR DUTIES

Was for Years at Head of Detective Bureau of Railroad.

Governor Mann yesterday announced the appointment of Luther L. Scherer, claim agent of the Chesapeake and Ohio Railway Company, with headquarters in Richmond, as a member of the board of directors of the Virginia State Penitentiary, to fill the vacancy caused by the resignation of Captain J. M. Harris, of Southampton county, which has been in the hands of the Governor for several days. Captain Harris gave as his only reason for resigning that his whole time was required by his personal affairs. Mr. Scherer was for several years the head of the detective bureau of the Chesapeake and Ohio Railway, over which he still has supervision. His remarkable work in tracking down a gang of baggage thieves and securing several convictions, one of the thieves being brought back here from London for trial, won him a wide reputation. He was associated with the government detectives in tracing the robbers of the Richmond post-office last spring, and his knowledge of the system of checking baggage made it possible for him to trace their trunks and so locate both Fay and Harris in New York City, where they were arrested on his order. Mr. Scherer will qualify at once.

### WANT PARDON FOR MONROE

Newport News Boy Embezzled Money and Fled to New York.

Application was made to Governor Mann yesterday for a pardon for H. M. Monroe, convicted in Newport News of embezzlement, and sentenced to serve a term of two years in the State penitentiary. He has not yet been brought to the prison, and his friends are seeking to secure action by the Governor to prevent his ever being an inmate of the State prison. Monroe was cashier for the street railway company at Newport News. About two months ago he disappeared, and his accounts were found to be short about \$500. He was located in New York. He declared that he had no recollection of having boarded the steamer to New York. The formal papers in the case have not yet reached the Governor.

Morganfield Wants Civilization. Charles Morganfield, ex-convict, train robber, lecturer and would-be-reformer of prison conditions, called on Secretary to the Governor Ben P. Owen yesterday morning at the Capitol asking that the Governor remove his political disabilities. He was never a voter in Virginia, but having served a term in prison on conviction of a felony, executive action would be necessary before he could take part in the political life of the State. He was advised to go slow, since the Governor would prefer to

**Protect Yourself!**  
Get the Original and Genuine

## HORLICK'S MALTED MILK

The Food-drink for All Ages.  
For Infants, Invalids, and Growing Children.  
Pure Nutrition, upbuilding the whole body.  
Invigorates the nursing mother and the aged.  
Rich milk, malted grain, in powder form.  
A quick lunch prepared in a minute.  
Take no substitute. Ask for HORLICK'S,  
In No Combine or Trust.

We Can Supply a

Few More Customers

WITH OUR

## Milk and Cream

Milk, 10c a Quart; Cream, 40c

## Miniborya Farm.

'Phone 6912

## PITTS FURNITURE COMPANY SPECIAL SALE

1429 E. Main St. 117 W. Broad St.

## Sutherland & Cherry

Special—Odds and ends in Furniture, Iron Beds, Mattings, Stoves, etc. Cheap to close them out.

810 EAST BROAD.

## Heaters at 20% Discount

Jones Brothers & Co.,  
1418 East Main Street

## A. B. C. Capitol Wrapped Loaf

"The best bread you ever tasted."  
Wrapped in waxed paper—not touched by human hands until it is served on your table.

See at Your Grocer's.  
AMERICAN BREAD AND BAKING CO.,  
6, 8, 10, 12 E. Leigh Street.

WE HAVE IT IF ITS MADE OF LEATHER

## THE ROUNTREE LEATHER SHOP,

703 East Broad Street

## CHILLS? IT'S GRIP!

Duffy's Pure Malt Whiskey is a Wonderful Remedy for Grip, Coughs, Colds, Asthma, Bronchitis, Pneumonia, Consumption, and all Throat and Lung Troubles.



Grip is an infectious disease, which attacks weak and strong alike, especially if the blood is sluggish, and generally involving the mucous membrane of the air passages from the nostril down to and including the lungs. Serious complications are liable to develop in the course of the disease, as grip settles in the weakest part of the system, sometimes the kidneys, the brain, the stomach or the heart, resulting often in heart failure, but the most dreaded of all pneumonia, which is particularly fatal when arising from grip.

The fatalities resulting from this disease within the past few years have sufficiently aroused doctors to the importance of giving the disease the closest investigation. Duffy's Pure Malt Whiskey is a remarkable remedy in the prevention and cure of grip, coughs, colds, influenza, asthma, bronchitis, catarrh, pneumonia, consumption, and all diseases of the throat and lungs; it prevents complications and bad after effects that grip so often leaves in the system. Duffy's Pure Malt Whiskey not only assists in killing the germs, but it stimulates the blood, aids digestion and tones the action of the heart.

## Duffy's Pure Malt Whiskey

has to its credit fifty years of success, without a question as to its merits as a curative agent. It is an absolutely pure, gentle and invigorating stimulant and tonic. During this time it has brought the blessings of health to overworked men, delicate women and sickly children who find in it the strength-giving properties that are so necessary to them. It makes the old feel young and keeps the young strong and vigorous. It is prescribed by doctors and recognized as a family medicine everywhere.

**CAUTION.**—When you ask your druggist, grocer or dealer for Duffy's Pure Malt Whiskey, be sure you get the genuine. It is an absolute pure medicinal malt whiskey, and is sold in SEVEN BOTTLES ONLY—never in bulk. Look for the trade-mark, the "Old Chemist" on the label, and make sure the seal over the cork is unbroken. Price \$1.00 a large bottle. Write Medical Department, The Duffy Malt Whiskey Co., Rochester, N. Y., for an illustrated medical booklet containing testimonials and rare common sense rules for health, and doctor's advice, both sent free.

have some evidences of right living since leaving the institution, before taking any action.

**Writ of Error.**  
A writ of error was granted by Judge Keith in the Virginia Supreme Court of Appeals yesterday in the case of the Virginia Black Mountain Coal Company, Incorporated, against the Virginia Lee Company, Incorporated, the Bondurant Coal and Coke Company, Incorporated, and the Black Mountain Mining Company, Incorporated, upon petition from the Circuit Court of the city of Norfolk. The action is for recovery of damages for alleged breach of contract.

**Governor Mann Avers.**  
Governor Mann left yesterday afternoon for Petersburg, from which place he will make a trip to Roanoke, before returning to his office here on Saturday morning.

**Librarian's Report.**  
The annual report of State Librarian Cowaine was filed in the office of Governor Mann yesterday afternoon. In the absence of the Governor, the recommendations of the Librarian were not made public.

### VERDICT IN LIBEL SUIT

Judgment for \$500 Awarded C. A. Franklin in Action Against Dr. Ross. (Special to The Times-Dispatch.) Martinsville, Va., January 11.—The libel suit of C. A. Franklin against Dr. C. H. Ross, of Bassett, which has been on trial here since Thursday last, was terminated this morning by a verdict for the plaintiff. Dr. Ross and Franklin fell out last March on account of Ross's failure to cure Franklin's wife, as promptly as Franklin thought he should have done. Franklin left the county to seek employment with the street car company in Norfolk. Ross, unsolicited, wrote letters to the car company reflecting on Franklin's character for honesty. Franklin was offered a position on the line, but he refused, and cash register, which he refused and sued Ross for \$5,000. Ross pleaded insufficiency, but failed to prove truth of the charges against Franklin, who bears a good character. The court instructed that letters were libelous communications, and that the writer is only liable for abuse of the privilege through malice.

## WILL PUSH WORK TO HELP ANIMALS

Secretary in Charge of Campaign for Membership and Subscriptions.

In the reorganization of the Society for the Prevention of Cruelty to Animals on January 7, John S. Muncie was elected president with the following vice-presidents: Miss Ellen Glasgow, Dr. E. N. Cullish, William Rueger, Dr. Jud B. Wood and Mrs. C. E. Bolling. Julien Hill was made treasurer in the place of W. Ben Palmer, who resigned. The members of the directory board who have accepted appointment are: Mrs. W. Ben Palmer, Mrs. John Kerr Branch, Mrs. John S. Muncie, Miss Cally Ryland, Mrs. Clarence Millhiser, Coleman Wortham, E. M. Crutcheff, Dr. George E. Fout, E. C. Breeden and P. A. S. Brine. In his inaugural address, Mr. Muncie dwelt strongly upon the need of co-operation to secure subscriptions for carrying on the work of the society properly. E. W. Ready has been elected secretary, with an office at 708 East Main Street, to inaugurate a membership and subscription campaign.

**Worked Alone.**  
For twenty years Mrs. Ben Palmer, Dr. Wood and Mr. Guilgon have been pioneers in an almost unsupported movement to afford protection and relief to beasts of burden in Richmond, where steep grades and careless drivers have done much toward rendering their existence miserable. Funds have been lacking from the start to provide a lethal chamber for the painless removal of disabled and helpless animals, such as exists in other cities the size of Richmond.

Therefore, the new officers and board of the S. P. C. A. are endeavoring to broaden out and put upon a permanent and recognized basis the work of their predecessors and are asking the support of the citizens of the community.



In the accomplishment of their purpose.

### WILL HOLD LID DOWN TIGHT.

**Chief Kizer Declares He Will Break Up Gambling in Norfolk.**  
Norfolk, Va., January 11.—I am going to break up gambling here and suppress gambling in Norfolk if it can be done, said Chief Kizer to-day, in commenting on the defeat of the gaming law that was killed last night by the Board of Aldermen. The chief declares that under his instructions the police will continue to raid all rooms as long as they are located, until the business is broken up. He is confident that by continuing these raids, holding all caught therein as witnesses, that he can accomplish the purpose he has in view, "holding the lid down tight."

### Dividend Notices.

**Virginia-Ohio Oil Company, Incorporated**  
317-318 American National Bank Building,  
Richmond, Va., December 29, 1910.  
AT A MEETING OF THE BOARD OF DIRECTORS of this company, held this day, a dividend of one and one-half per cent was declared on the capital stock of this company, payable JUNE 15, 1911. Checks will be mailed. Transfer books will be closed January 5, 1911.  
JOS. B. MONTGOMERY,  
Treasurer.

### Meetings.

**Union Bank of Richmond.**  
Richmond, Va., December 12, 1910.  
THE REGULAR ANNUAL MEETING of the stockholders of the Union Bank of Richmond, Virginia, will be held at the Bank Building, 1107 East Main Street, on TUESDAY, January 12, 1911, at 12 o'clock noon.  
GEO. W. CALL,  
Cashier.

**THE ANNUAL MEETING OF THE STOCKHOLDERS OF THE JEFFERSON HOTEL, INCORPORATED** will be held at the Jefferson Hotel, Richmond, Va., on WEDNESDAY, February 1st, at 12 o'clock.  
O. F. WEISIGER,  
Secretary.

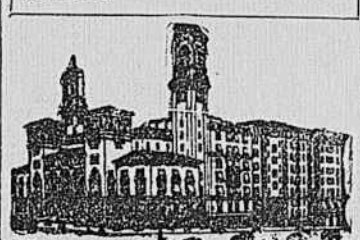
**Virginia Trust Company.**  
Richmond, Va., December 29, 1910.  
THE ANNUAL MEETING OF THE stockholders of this company will be held at the office of the company in the city of Richmond, Va., on TUESDAY, January 17, 1911, at 12 o'clock noon.  
L. D. AYLETT,  
Secretary.

**A STATED COMMUNICATION OF** Metropolitan Lodge, No. 11, A. F. and A. M., will be held in the Masonic Temple THURSDAY EVENING, January 12th, 1911, at 7 o'clock. Members of sister lodges and transient brethren are cordially invited.  
By order of the Worshipful Master,  
W. N. WATKINS,  
Secretary.

Richmond, January 11, 1911.  
**NOTICE OF MEETING OF STOCKHOLDERS.**—The annual meeting of stockholders of The Life Insurance Company of Virginia will be held at the chief office of the company, on Broad Street, between Ninth and Tenth Streets, in the city of Richmond, Va., on WEDNESDAY, the 25th day of January 1911, at 12 o'clock M. The stock transfer books of this company will be closed from this date until the 27th day of the present month.  
E. D. HARRIS,  
Secretary.

Richmond, Va., January 3, 1911.  
**THE REGULAR ANNUAL MEETING** of the stockholders of the Virginia State Insurance Company will be held at its home office, corner Fifth and Main Streets, Richmond, Va., on THURSDAY, January 26, 1911, at 1 o'clock P. M.  
ROBERT LECKY, JR.,  
Secretary.

**Table d'Hôte Dinners Saturday and Sunday evenings, 6 to 9 o'clock, \$1.50 each.**



## THE JEFFERSON

Richmond, Va.

The most magnificent hotel in the South. European plan. Rooms single and on suite, with and without baths. Spacious sample rooms. Rates, \$1.50 per day and upward.

## COURT REAFFIRMS PRIMARY STATUTE

Again Says Elections Are Protected by General Law on Subject.

### WISE CASE IS REFERRED TO

Commonwealth Has No Appeal, but Norfolk Judges May Be Prosecuted.

Reaffirming in plain and unmistakable terms its previous decision that the statute under which primary election frauds are punished is constitutional, the Supreme Court of Appeals yesterday stated that there is nothing in the way of prosecution of the three Norfolk judges who were indicted for irregularities in the August primary election.

At the same time, the court refused the writ of error to the judgment of the Norfolk court, asked for by the Attorney-General, on the ground that the Commonwealth has no right of appeal, under the Constitution, in a case where the life and liberty of any person is placed in jeopardy.

The fact that the court saw fit to hand down a written opinion when passing on a petition for a writ of error, indicates the importance of the matter involved, and the desire of the tribunal that its action in refusing the writ of error should not be misconstrued into a declaration of the unconstitutionality of the statute involved.

### Charged With Frauds.

Edward Willcox, James T. Hannan and Frank Keillinger were the judges of election at what is known as the court-house precinct in Norfolk, in the primary election held in August, in which Representative H. L. Maynard was opposed for the nomination for Congress by William A. Young. As a result of that election, Mr. Maynard contested the right of Mr. Young to the certificate. An investigation followed by the State Democratic Central convention resulting in a new primary election plan, under which Senator E. E. Holland became the nominee for Congress.

Following revelations as to the conduct of the election, the three judges were indicted for certain irregularities, but the cases were dismissed on a demurrer which alleged that the act punishing election frauds was not applicable to primary elections, inasmuch as this sort of contest was not specified in the title, as required by the Constitution. The Norfolk judges upheld this view.

### Wanted Extra Session.

At once there sprang up a demand in Norfolk for an extra session of the Legislature to pass a law protecting the title to the election. It was shown that the Norfolk court had not been advised of the decision of the Supreme Court, which had previously held the act to be valid, and it was not until Governor Mann announced that he would not call for an extra session, as there was no need at all for one, that the agitation subsided.

Attorney-General Williams asked for a writ of error in the Norfolk cases, which is not denied because of a constitutional provision that the Commonwealth has no appeal in cases involving life and liberty.

However, in taking this action it hands down an opinion which settles once and for all the question of whether or not primary elections in Virginia are protected. The same statute covers them as applies in general elections.

### Important Sections.

Following are extracts from the decision: Section 4552 of the Virginia Code, 1904, relied upon in the petition, does seem to confer jurisdiction. It is as follows: "A writ of error shall lie in a criminal case to the judgment of a Circuit Court or the Judge thereof, or of a Corporation Court or of a Hustings Court from the judgment of the accused, and if the case be for the violation of law relating to the State revenue, or for the violation of a law therein declared to be unconstitutional, it shall lie also for the judgment of the accused, and if the case be for the violation of the Constitution, which in such cases provides that no appeal shall be allowed to the Commonwealth in any case involving the life or liberty of a person, upon the petition of the Commonwealth."

### Not Matter of Moment.

In the case before us, however, it is not a matter of serious moment. The indictment was denounced by the defendants, the demurrer was sustained, and the indictment was dismissed. The accused were never in jeopardy, and may be again indicted and tried for the offense whereof they are accused, if the Commonwealth shall be so advised.

In the case of Commonwealth vs. Jackson Wise, the Hustings Court of the city of Richmond reached a different conclusion with respect to the same law. Wise was found guilty, sentenced to confinement in jail and applied to this court for a writ of error, which was refused by an order entered April 19, 1906, which recites that "the court being of opinion that said judgment is plainly right, doth reject said petition."

An opinion was filed with the order just recited, and in view of the fact that a diversity of opinion exists among the courts of first instance, we think it proper to state the reasons which controlled the court. The questions involved are of the greatest importance, for if the statute under which elections are punished is null and void as repugnant to the Constitution, then this Commonwealth is without any effective regulation with respect to the conduct of elections, is without any efficient means to secure honesty in elections, and the Legislature has wholly failed to discharge the high duty imposed upon it by the Constitution, to enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general, local and primary elections, and preventing and punishing any corrupt practices in connection therewith.

### Question of Title.

The statute as approved January 11, 1904, containing this section, appears in the compilation of laws known as Pollard's Code of 1904, as chapter 10, and taken from the plan of chapter 10 of the Code of 1887. The caption of the chapter remains unchanged; it is now just what it was before the section with respect to primary elections was introduced.

Section 52 of the Constitution declares that "No law shall embrace more than one object, which shall be expressed in its title"; and the con-

struction of the constitutional provision, that no law shall embrace more than one object, which shall be expressed in its title, was before this court in the case of Commonwealth vs. Brown, 21 Va. 162. The unanimous opinion of the court was written by Judge Rely, and the conclusion reached was that the title of an act will be sufficient, within the meaning of the Constitution, if the things authorized to be done, though of a diverse nature, may be fairly regarded as in furtherance of the object expressed in the title. All that is required is that the subjects embraced in the statute, but not specified in the title, be congruous and have natural connection with or be germane to the subject expressed in the title.

And the Constitution is to be liberally construed so as to uphold the law, if practicable. It was claimed in that case that the body of the statute embraced many subjects instead of one, that it amended and repealed many sections of the Code; that the independent sections had various objects, and that the title should have stated and shown what subject each section, as amended and re-enacted, had reference to, and that the subject matter in the independent sections should have been clearly set forth in the title.

### Former Case.

The construction of the constitutional provision, that no law shall embrace more than one object, which shall be expressed in its title, was before this court in the case of Commonwealth vs. Brown, 21 Va. 162. The unanimous opinion of the court was written by Judge Rely, and the conclusion reached was that the title of an act will be sufficient, within the meaning of the Constitution, if the things authorized to be done, though of a diverse nature, may be fairly regarded as in furtherance of the object expressed in the title. All that is required is that the subjects embraced in the statute, but not specified in the title, be congruous and have natural connection with or be germane to the subject expressed in the title.

### Relation of Elections.

If the caption of the chapter had been "To Regulate General Elections," it might well have been construed as embracing the subject of primary elections, for "of thorns men do not gather figs, nor of a bramble bush gather they grapes."

### Meaning of Argument.

However fair the general election may be, if at that election men have no choice but to vote for candidates who have been nominated by fraudulent practices at primaries, or else to desert their party, which would be in most instances but to throw away their votes without achieving any good result, the effect of the election must be the consummation of a fraud and the defeat of the will of the people, for "of thorns men do not gather figs, nor of a bramble bush gather they grapes."

### Burn and Contents Burned.

Insurance Company will be held at (Special to The Times-Dispatch.) Scottsville, Va., January 11.—A large barn and cornhouse, the property of Solan Adams, who lives just below Scottsville, in Fluvanna county, were destroyed by fire last night. The buildings contained large quantities of corn, hay and fodder, also some farming implements, all of which were burned. The origin of the fire is unknown.

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**Uneeda Biscuit**  
are soda crackers made from the finest flour and the best materials obtainable—  
That Makes them an ideal **FOOD**

**Uneeda Biscuit**  
are baked in surroundings where cleanliness and precision are supreme—  
That Makes them **PURE**

**Uneeda Biscuit**  
are touched only once by human hands—when the pretty girls pack them—  
That Makes them **CLEAN**

**Uneeda Biscuit**  
are sealed in a moisture proof package—  
That Keeps them **FRESH**

**NATIONAL BISCUIT COMPANY**  
**5c**  
A Package (Never sold in bulk)

tion is, that there is nothing in the title of this act which expresses any intention to legislate as to primary elections. It is claimed that as the title is "in reference to general and special elections," it is restrictive and specific rather than comprehensive and general; that it applies to certain kinds of elections which the act goes on to define, viz.: General elections and special elections; that, while it is true that cognate and germane legislation may be valid under a general title expressing a general subject, yet the title must be sufficiently comprehensive to include them; and Cooley on Constitutional Limitations is cited in support of the proposition.

It is contended that while there may be no such incongruities in the objects and purposes expressed in the statute as to make it repugnant to that provision of our Constitution which declares that no law shall embrace more than one object, which shall be expressed in its title, section 1229 renders the act broader than its title, and it is to that extent null and void.

### Former Case.

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